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10/595,799

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Jorg Habetha

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08/20/2009

PHILIPS INTELLECTUAL PROPERTY & STANDARDS

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BRIARCLIFF MANOR, NY 10510

EXAMINER

BEHNAMIAN, SHAHRIAR

ART UNIT

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2617

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|---------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/595,799 | Applicant(s) HABETHA ET AL. | |
| | Examiner SHAHRIAR BEHNAMIAN | Art Unit 4145 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is in response to the Applicant's communication filed on 12 June 2006.

Claims 1-9 are pending in this office action.

Priority

2. Acknowledgment is made of applicant's claim for priority under 371 of PCT/IB04/52430 filed on 15 November 2004.

Drawings

3. The drawings submitted on 12 June 2006. These drawings are reviewed and accepted by the examiner.

Objections

4. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

Claim Objections

5. Claim 5 and 9 are objected to because of the following informalities:

Claim 5: "The method according to claim 4, wherein said response message according to claim 4 contains ..." is assumed to be "The method according to claim 4, wherein said response message contains ...";

Claim 9: "...to established direct..." is assumed to be "...to establish direct...".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 7 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the claim includes "...avoid collision on said channel" where the term "...said channel" is unclear and the referenced channel is indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 1-7 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,949,776 to Mahany et al. (hereinafter Mahany).

As per **claim 1**, Mahany discloses that in an Access Point controlled wireless network (see **Figs. 1a-c and associated text; col. 9, lines 33-58; the communication system 10 includes a local area network (LAN) for maintaining typical communication flow within the building premises**), wherein one channel communication is ruled by an identifier associated with the Access Point (see **Figs. 1a-c and associated text; col. 5, lines 54-63; col. 16, lines 14-32; as the data is transferred through the link, each station that connects with or through the control point device (i.e. access point) through a link (i.e. channel communication), is operated (i.e. ruled) by the address (i.e. identifier) that is associated with the Control Point Device (i.e. access point))**), a method for direct communication between a first station and a second station (**col. 5, lines 54-63; a direct communication link between to stations (i.e. peer to peer communications) is established**), comprising the steps of:

generating a second identifier by said first station, different from the identifier associated with the Access Point, and optionally choosing a second channel (see **Figs. 1a-c and associated text; col. 5, lines 54-63; col. 9, lines 33-58; col. 16, lines 14-32; a particular first station desires to connect to another station other than the access point (AP), the first station includes the address (hence includes an identifier) of the second station that it is trying to connect to and sends this information to the AP as to establish the connection optionally via at least a second channel**);

sending, by said first station, an invitation message for direct communication carrying said second identifier and optionally said second channel to said second station (**Fig. 6 and associated text; col. 3, line 65 to col. 4, line 12; col. 18, line 7-13; the first**

station transmits a request to communicate with the second station, carrying information about the channel (i.e. a second channel) that is to be communicated over (see col. 16, lines 15-16));

sending, by said second station, a response message acknowledging the invitation message **(col. 10, lines 42-65; col. 13, lines 19-22; col. 18, lines 21-23; col. 19, lines 46-67; the destination station responds (e.g. with an ACK or CLEAR) to the transmitted request in the time period provided);**

setting up direct communication between said first station and said second station using said second identifier and optionally said second channel **(see Figs. 1a-c and associated text; col. 5, lines 54-63; col. 9, lines 33-58; col. 16, lines 14-32; col. 39, lines 19-29; the direct communication is set up between the first and second stations using at least the address (i.e. identifier) and by indicating the channel for communication).**

As per claim 2, Mahany further discloses a method wherein said invitation message and said response message are sent via the Access Point using the identifier associated therewith **(see Figs. 1a-c and associated text; col. 5, lines 54-63; col. 16, lines 14-32; col. 19, lines 46-67; the control point device sends a response (e.g. ACK, CLEAR) that was received from the destination station (e.g. second station) to the source station (e.g. first station) using the appropriate addresses (i.e. identifiers)).**

As per claim 3, Mahany further discloses a method wherein said invitation message and said response message are exchanged directly between said first station and said second station using an identifier different from the identifier associated with the

Access Point (col. 16, lines 14-32; col. 19, lines 46-67; col. 39, lines 19-29; the stations use point-to-point addressing, rather than the control point device to establish communication, including of transmission of request and receiving of response).

As per claim 4, Mahany further discloses a method wherein said response message contains information that said second identifier is confirmed or that said second identifier is rejected and a third identifier is proposed, wherein said third identifier is different from the identifier associated with the Access Point (see Figs. 1a-c and associated text; col. 5, lines 54-63; col. 16, lines 14-32; col. 19, lines 1-18 and lines 46-67; if the second station lies outside the range of the access point device, where the transmission has not been acknowledged, then a series of hops (i.e. connecting through other devices that are connected to the network) are indicated to be used to establish a communication route by including the identification of the hopping sequence (that includes additional identifiers); or in the case of transmission collision (using Idle Sense Multiple Access), the transmitting station will retry at a later time or may use a different index of frequency within the hop table).

As per claim 5, Mahany further discloses a method wherein said response message contains information that said second channel is confirmed or that said second channel is rejected and the channel which is associated with the Access Point or a third channel is proposed (see Figs. 1a-c and associated text; col. 5, lines 54-63; col. 16, lines 14-32; col. 19, lines 1-18 and lines 46-67; col. 18, lines 26-50; col. 32, lines 21-25; the transmission of the first station can be acknowledged or not acknowledge

due to error or collision; the current access point may choose to use alternate access points for communication if COST of current communication route is high; if the second station lies outside the range of the access point device, where the transmission has not been acknowledged, then a series of hops (i.e. connecting through other devices that are connected to the network) are indicated to be used to establish a communication route by including the identification of the hopping sequence (that includes additional identifiers); or in the case of transmission collision (using Idle Sense Multiple Access), the transmitting station will retry at a later time or may use a different index of frequency within the hop table).

As per claim 6, Mahany further discloses a method wherein said second identifier is a dedicated identifier for direct communication between stations (col. 5, lines 54-63; col. 39, lines 19-29; a direct communication link between to stations (i.e. peer to peer communications) is established; request for polls, and hence a communication link, can be initiated by using point-to-point addressing (i.e. a dedicated identifier for direct communication), rather than through the control point device).

As per claim 7, Mahany further discloses a method wherein carrier sensing is applied to avoid collision on said channel (Fig. 5A and associated text; col. 5, lines 54-63; col. 39, lines 19-29; col. 14, lines 36-49; col. 17, lines 26-36; Idle Sense Multiple Access (ISMA) is implemented to avoid collision on the channel to be used).

As per claim 9, the limitations are similar to those treated in the above rejection(s), and hence have been met by the same reference(s) as discussed claim 1.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

10. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mahany in view of US Patent No. 6,483,852 to Jacquet et al. (hereinafter Jaquet).

As per claim 8, Mahany further discloses a method that operates in the communication protocol of the IEEE 802.3 or IEEE 802.5 standard, fails to explicitly teach a method that operates in the communication protocol of the IEEE 802.11 standard. However, Jacquet discloses a network using a method that operates in the communication protocol of the IEEE 802.11 standard **(see Jacquet, col. 3, lines 11-30; the format of a radio network can be chosen from at least the IEEE 802.11**

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standards, and the format of a cabled network can be chosen from at least the IEEE 802.3 and 802.5 standards). It would have been obvious to a person with ordinary skill in the art at the time the invention was made to incorporate the IEEE 802.11 standard as disclosed by Jacquet into the network of Mahany as to further extend the applicability of the method and to incorporate radio frequency connectivity to wirelessly connect devices that are capable of radio communication **(see Jacquet, col. 3, lines 11-30).**

Conclusion

Note: Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

Prior arts made of record, not relied upon:

US 2003/0125074

US 2002/0061009

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US 5,740,160

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SHAHRIAR BEHNAMIAN whose telephone number is (571)270-3197. The examiner can normally be reached on Mon-Thur 7:00-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abul Azad can be reached on 571-272-7599. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SHAHRIAR BEHNAMIAN
Examiner
Art Unit 4145

/KENT CHANG/
Supervisory Patent Examiner, Art Unit 4145